

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

49 BLEECKER INC,

Debtor.

Case No. 21-cv-5793 (ALC)

STIPULATION WITHDRAWING APPEAL WITH PREJUDICE

IT IS HEREBY STIPULATED AND AGREE, that:

WHEREAS, on June 28, 2021, Appellant 49 Bleecker Inc. (“Appellant”) filed a Notice of Appeal and Statement of Election from the Decision after Trial, entered on June 15, 2021, that determined that 49 BLEECKER INC.’s lease for the premises located at 49 Bleecker Street, 3rd Floor, New York, New York, had terminated as of December 31, 2018 (“Appellant’s Appeal”), in the bankruptcy case entitled *In re 49 Bleecker Inc.*, docketed under S.D.N.Y. Bankruptcy Case No. 21-10312 (MEW) (the “Bankruptcy Case”) ; and

WHEREAS, Appellant’s Appeal was transferred to the within named court and docketed under S.D.N.Y. Case No. 21-cv-05793-ALC; and

WHEREAS, Appellant and Appellee Rogers Investments NY, LLC, have fully and finally resolved and settled all issues pertaining to Appellant’s Appeal pursuant to a certain Stipulation and Order for Surrender of Premises Formerly Leased to Debtor and Settlement of Claims Between Debtor and Landlord, which Stipulation was so-ordered by the bankruptcy court (Wiles, J.) and docketed on August 24, 2021, as ECF Doc. No. 69 in the Bankruptcy Case.

NOW THEREFORE, by reason of the foregoing, it is hereby stipulated and agreed that Appellant’s Appeal is hereby withdrawn and discontinued with prejudice and without costs as to either party, and that this Stipulation may be filed with the Court without further notice to the parties hereto.

Dated: New York, New York
August 24, 2021

FARBER SCHNEIDER FERRARI LLP

Special Counsel for Appellant

49 Bleecker Inc. upon express emailed authorization
from client

By: s/ Daniel J. Schneider

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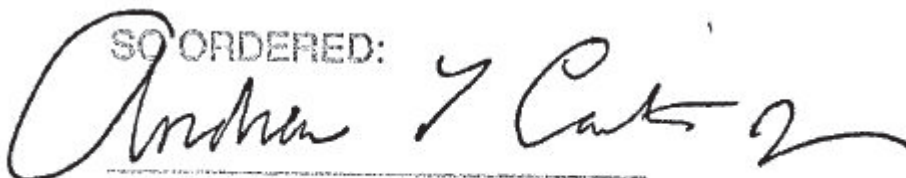
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SO ORDERED:


HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

August 30, 2021